IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9228 of 1995

Between:

Kothapalli Lakshmma W/o. Yanadi Naidu

Aged 42 years R/o. Vikkiralapet, Kandukur Mandal, Prakasam district

..... PETITIONER

AND

1.. Executive Engineer,

A.P.State Irrigation Development Corporation Limited,

Division, Samakeshama complex, Ongole,

Prakasam district

2.. Deputy Executive Engineer,

A.P.State Irrigation Development Corporation Limited,

Division, Samkeshama complex, Ongole

Prakasam district

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the respondents herein in not taking further action pursuant to the letter No.IDC/EE/OGL/DB/AE/59/94 dt 13-4-95 issued by the first respondent herein as illegal, arbitrary and unjust by issuing appropriate writ order or direction.

Counsel for the Petitioner:MR.M.V.S.SURESH KUMAR

Counsel for the Respondents.: SC FOR A.P. State Irrigation Development

Corporation Limited.

The Court made the following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 9228 OF 1995

ORDER:

The present writ petition is filed questioning the action of the respondents herein in not executing the agreement pursuant to the work order issued on 13-4-95.

The petitioner claims to be nominated to undertake certain construction works at Vikkiralapet and vide proceedings dated 13-4-1995 directed to take over the site and start the works and conclude the same at the earliest. The petitioner alleges that due to certain political pressures, the respondents choose to postpone the handing over of the site and that the petitioner has issued a legal notice dated 25-4-1995 requesting to take further action in the matter pursuant to order dated 13-4-1995. In spite of the same, no action was taken by the respondents. Hence, the present writ petition is filed.

A counter affidavit on behalf of first respondent was filed denying the material allegations made in the writ affidavit and questioning the maintainability of the writ petition. It is stated that the respondent corporation is registered under Companies Act, 1956 and has separate distinct legal entity, established with an object to augment the irrigation potential in the state. It is stated that the petitioner was awarded the balance work vide order dated 13-4-1995 and that he has not

responded to the same and has not taken over the charge of the site for execution of the work. It is also stated that the legal notice issued by the petitioner dated 25-4-1995 was suitably replied by notice dated 2-5-1995 and suppressing the said fact, the petitioner has filed the present writ petition. It is further stated that since, the petitioner has not responded to the work order dated 13-4-1995, keeping in view the interests of the beneficiaries and to avoid further delay in the execution of the work, the District Collector vide order dated 31-3-1995 directed the corporation to execute the subject work immediately. Pursuant to the order dated 31-3-1995, after following the due procedure under law, the work was entrusted to another agency i.e., the beneficiaries committee vide order dated 26-4-95. It is also stated that by the date of filing the counter the work is in progress and about 75 % of the work was completed.

It is to be noted that by the date of filing of the counter affidavit i.e., 1-7-1995, the subject work was stated to be in progress and
about 75 % of the work was completed, and by now, probably the subject work might have been completed. More over, the specific stand of the respondents is that the petitioner has not responded to order dated 13-4-1995, thus to avoid the delay and to protect the interests of the beneficiaries, the subject work was entrusted to certain agency, which action cannot be said as illegal or arbitrary. In the circumstances, I see no reason to interfere in the matter. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

N.V.RAMANA,J

29-9-2004

TVK

To

1.. Executive Engineer,

A.P.State Irrigation Development Corporation Limited,

Division, Samakeshama complex, Ongole,

Prakasam district

2.. Deputy Executive Engineer,

A.P.State Irrigation Development Corporation Limited,

Division, Samkeshama complex, Ongole

Prakasam district

3.. 2CD copies

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